

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

United States of America,
Plaintiff

v.

Daniel Pena-Ramirez,
Defendant

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Case No. 1:21-CR-101-LY

ORDER

Now before the Court is Defendant Daniel Pena-Ramirez's *Pro Se* Motion for Pretrial Release and Motion to Withdraw as Counsel and for Appointment of New Counsel, filed July 15, 2022 (Dkt. 21). The District Court referred the Motion to the undersigned Magistrate Judge for resolution, pursuant to 18 U.S.C. § 3006A(b), 28 U.S.C. § 636(b)(1)(B), and Rule 44 of the Federal Rules of Criminal Procedure. Dkt. 22. Defendant states in the Motion that his retained attorney, Carissa L. Beene, "is fired," and that he requests court-appointed counsel. *Id.*

On July 25, 2022, the Court held a hearing on the Motion at which Defendant and Ms. Beene were present; the Government was excused. Defendant stated at the hearing that he intended to retain other counsel, but at an attorney status conference before the Court on August 2, 2022, Defendant requested court-appointed counsel. After appropriate inquiry, Defendant satisfied the Court that he (1) is financially unable to employ counsel and (2) does not wish to waive counsel.

Having considered the Motion, the undersigned Magistrate Judge finds that there is good cause to permit Ms. Beene to withdraw as counsel, and that Defendant has received notice. Accordingly, and because the interests of justice so require, the Court hereby **GRANTS IN PART** Defendant's *Pro Se* Motion for Pretrial Release and Motion to Withdraw as Counsel and for Appointment of New Counsel (Dkt. 21).

IT IS ORDERED that Carissa L. Beene is hereby **WITHDRAWN** and Federal Public Defender Horatio R. Aldredge is **SUBSTITUTED** as Defendant's counsel of record.

Defendant is advised that he may be required to reimburse the Government for the costs of appointed counsel on completion of the case. **IT IS THEREFORE ORDERED** that on any finding of guilt as to these current charges, the U.S. Probation Office is instructed to make financial inquiries of the defendant to determine if the defendant can repay the costs of court-appointed counsel. The U.S. Probation Office shall report its findings to the judicial officer assigned to the case before any sentencing.

SIGNED on August 2, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE